

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:08CR316
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
SIMAIRA ANDERSON,)	
)	
Defendant.)	

This matter is before the Court on the Defendant's pro se motions for leave to file a motion under Federal Civil Rule of Procedure 60 (Filing No. 39) and for relief under Federal Civil Rule of Procedure 60 (Filing No. 38).

The Defendant pleaded guilty to Count I of the Indictment charging her with distributing cocaine base. On February 2, 2009, she was sentenced to 60 months imprisonment and 4 years supervised release. No direct appeal was filed, and no motion for relief under 28 U.S.C. § 2255 was filed.¹

The Defendant seeks relief under Rule 60(b) for alleged due process violations throughout the pendency of her case. The federal rules of civil procedure do not apply to criminal cases. Fed. R. Civ. P. 1. There is no civil element to the Defendant's criminal case. Therefore, the motions are denied.

IT IS ORDERED:

1. The Defendant's pro se motions for leave to file a motion under Federal Civil Rule of Procedure 60 (Filing No. 39) and for relief under Federal Civil Rule of Procedure 60 (Filing No. 38) are denied; and

¹The Defendant erred in stating in her motion (Filing No. 39) that she was denied relief under § 2255.

2. The Clerk is directed to mail a copy of this order to the Defendant at her last known address.

DATED this 3rd day of September, 2009.

BY THE COURT:

sS/Laurie Smith Camp
United States District Judge